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BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BOUNTY FRESH, LLC, a limited liability
company,

Plaintiff,

-against-

PARADISE PRODUCE, INC., a corporation;
NAKWON KANG, a/k/a/ NAK KWANG,
a/k/a "PAUL" KANG, an individual;
HYEHYANG KANG, an individual,

Defendants.
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Appearances:

For the Plaintiff:

PETER A. RAGONE, ESQ.

ANTHONY L. COTRONEO, ESQ.

Rosner, Nocera & Ragone LLP

110 Wall Street

23rd Floor

New York, New York 10005

Of Counsel:

PRISCILLA W. GRANNIS, ESQ.

BLOCK, Senior District Judge:

On August 18, 2010, Magistrate Judge Go issued a Report and Recommendation ("R&R") recommending that the Court award default judgment against defendants, jointly and severally, in the total amount of \$79,230.91, consisting of \$60,179.50 in damages, \$9,635.00 in attorneys' fees, \$627.36 in costs, and \$8,789.05 in interest through August 31, 2010, plus interest thereafter at a per diem rate of \$29.68 until entry of judgment. *See* R&R at 14. The R&R also stated that failure to object on or before September

7, 2010 would preclude appellate review. *See id.* A copy of the R&R was sent by overnight delivery to the defendants on August 18, 2010, and, although the defendants' attorney filed a notice of appearance on August 20, 2010, no objections have been filed.

If clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) ("Where parties receive clear notice of the consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision."). The Court will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error, *see Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000); no such error appears here. Accordingly, the Court adopts the R&R without *de novo* review and directs the Clerk to enter judgment in accordance with the R&R.

SO ORDERED.

s/Frederic Block

FRÉDERIC BLOCK
Senior United States District Judge

Brooklyn, NY
September 16, 2010